

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)
)
 v.) Case No. 1:07-cr-183-WKW
)
 RICKY RANDELL WREX SMITH)

ORDER

This case is before the court on the defendant's Motion for Hearing to Determine Competency of the Defendant to Stand Trial (Doc. # 33).

Upon defense counsel's motion, and pursuant to 18 U.S.C. § 4241(b) and § 4247(b) & (c), the court ordered that Defendant Rickey Randell Wrex Smith undergo a psychiatric or psychological examination and that the resulting report be filed with the court. The psychiatric or psychological report, which was created by Lisa Vellah, Ph.D., under the supervision of Marti Carlson, Psy.D., was filed on April 1, 2008. Dr. Vellah opined that Mr. Smith is competent to stand trial. In a Response to Defendant's Motion for Competency Hearing (Doc. # 45), the government informs the court, and attaches supporting documentation, that the parties have agreed that Mr. Smith is competent to stand trial and that a hearing is consequently unnecessary. The defendant reached this conclusion after the defendant's own examiner determined that he is capable of proceeding to trial.

Upon consideration of the reports and the government's response, which demonstrates that there is no reasonable cause to believe that Mr. Smith is unable to understand the nature and consequences of these criminal proceedings or to assist in his defense, it is ORDERED that Defendant Rickey Randell Wrex Smith is declared mentally competent to stand trial. A hearing is therefore unnecessary; accordingly, the Motion for Hearing (Doc. # 33) is DENIED, and the competency hearing that is currently scheduled for June 9, 2008, is CANCELLED. It is further

ORDERED that, pursuant to 18 U.S.C. § 4241(f), that the court's finding of the defendant's mental competency to stand trial, and the reports on which the finding is based, shall not be admissible as evidence in the trial of this case, and shall not prejudice the defendant from raising the issue of his insanity as a defense to the offense charged or the issue of his mental health for any other permissible purpose.

DONE this 21st day of May, 2008.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE